



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONSTRUCTION CODES COORDINATING BOARD**  
*c/o DCRA – 1100 4th Street, SW, Washington, DC 20024*

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**CODE CHANGE PROPOSAL FORM**

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CODE: Building

SECTION NO: Chap. 31

SUBCOMMITTEE AMENDMENT NO. BC-B-31-1-13

PROPOSING SUBCOMMITTEE:

Building CHAIR: Sabbakhan

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DATES OF PROPOSAL: 7/11/12

CCCCB PRESENTATION: 7/12/12

CCCCB APPROVAL: 7.19.12

CHECK ONE

☐ *Revise section to read as follows:*

☒ *Delete section and substitute the following:*

☐ *Add new section to read as follows:*

*Delete section without substitution.*

**TYPE ALL TEXT IN 12-POINT TIMES NEW ROMAN FONT**

~~**LINE THROUGH TEXT TO BE DELETED**~~ (highlight text, under *Format*, click font and check strikethrough)

**UNDERLINE TEXT TO BE ADDED**

Use additional sheets of the form, if necessary.

See next page.

Anticipated impact of code change on cost of construction (CHECK ONE)

☐ *Increase*

☒ *Decrease*

☐ *Negligible*

☐ *Unknown*

*Per 1,000 SF single-family dwelling*

*to*

*Per 1,000SF of commercial building*

*to*

**JUSTIFICATION OF CHANGE:**

Please reference one or more of the criteria required

☐ **To address a critical life/safety, health, general welfare need.**

☐ **To address a specific District of Columbia policy or statute**

☐ **For consistency with federal, or with reference to the Metro DC area (MD, VA) codes**

☒ **Address a unique character issue in the District of Columbia**

☐ **Correction of errors and omissions**

☐ **Other (explain)**



Amendment introduces code changes approved in 2009 code cycle (BC-31-1-11) with modifications to conform to 2012 IBC, to incorporate reference to new sign regulations which will not be included in the construction codes, and to incorporate the Swimming Pool and Spa Code which will be adopted in this code cycle.

## CHAPTER 31 SPECIAL CONSTRUCTION

### SECTION

- 3103 Temporary Structures
- 3105 Awnings and Canopies
- 3106 Marquees
- 3107 Signs
- 3109 Swimming Pool Enclosures and Safety Devices
- 3112 Fences

### 3103 TEMPORARY STRUCTURES

Strike Section 3103.1.1 of the International Building Code in its entirety and insert new Section 3101.1.1 to the Building Code in its place to read as follows:

**3103.1.1 Permit required.** Temporary structures that cover an area greater than ~~420~~100 square feet (~~41.16~~9.29 m<sup>2</sup>), including connecting areas or spaces with a common *means of egress* or entrance ~~which are used or intended to be used for the gathering together of 10 or more persons,~~ shall not be erected, operated or maintained for any purpose without obtaining a *permit* from the *code official*.

### 3105 AWNINGS AND CANOPIES

Strike Section 3105 of the International Building Code in its entirety and insert new Section 3105 to the Building Code in its place to read as follows:

**3105.1. General.** *Awnings or canopies* shall comply with the requirements of ~~Sections 3105.2 through 3105.4 and other applicable sections of this code of this Section 3105, other applicable sections of the Construction Codes, the Zoning Regulations, the District of Columbia Public Space Manual and other applicable requirements.~~

**3105.1.1 Permit.** A permit shall be obtained from the *code official* for the erection, or replacement of any fixed *awning, or canopy* and for any *retractable awning* located at the



first story level and extending over the public street or over any portion of a court or yard beside a building serving as a passage from a required exit or exit discharge to a public street.

**Exception:** A permit shall not be required for *awnings* located outside of the Historic and Fine Arts jurisdictions to erect or replace fixed or *retractable awnings* projecting 40 inches (1016 mm) or less, installed on detached one- and two-family dwellings and townhouses not more than three stories above grade in height with a separate means of egress, or for retractable awnings installed above the first story or where the awning does not project over the public street or over any court or yard serving as a passage from a required exit to a public street.

**3105.2 Definition.** The following term is defined in Chapter 2:

#### **RETRACTABLE AWNING.**

**3105.3 Design and construction.** *Awnings* and *canopies* shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration. *Awnings* shall have frames of noncombustible material, ~~fire retardant treated wood, wood of Type IV size, or 1-hour~~ construction with combustible or noncombustible covers and shall be either fixed, retractable, folding or collapsible with an approved covering that meets the fire propagation performance criteria of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E84 or UL723.

**3105.4 Canopy materials.** ~~*Canopies* shall be constructed of a rigid framework with an approved covering that meets the fire propagation performance criteria of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E 84 or UL 723.~~

**3105.4 Fixed or permanent awnings.** The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any fixed or permanent *awning* shall be 8 feet (2438 mm). Fixed or permanent *awnings* installed above the first story shall not project more than 5 feet (1524 mm) from the face of the building.

**Exception:** Above doors on detached one and two family dwellings and townhouses not more than three stories above grade in height with a separate means of egress, the minimum clearance from the sidewalk or any other space used by the public to the lowest part of the *awning* shall be 80 inches (2032 mm).

**3105.5 Retractable awnings.** The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any *retractable awning* shall be 8 feet (2438 mm). *Retractable awnings* shall be securely fastened to the building and, in the fully extended position, no part of the *awning* shall be closer than 12 inches (305 mm) to the vertical plane of the curb line. *Retractable*



awnings shall be equipped with a mechanism or device for raising and holding the awning in a retracted or closed position against the face of the building.

**Exception:** Above doors on detached one and two family dwellings and townhouses not more than three stories above grade in height with a separate means of egress, the minimum clearance from the sidewalk or any other space used by the public to the lowest part of the awning shall be 80 inches (2032 mm).

**3105.6 Canopies.** Canopies shall be attached to the building at the inner end and supported at the outer end by not more than two stanchions with braces anchored in an approved manner and shall not extend closer than 2 feet (610 mm) from the curb line. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any canopy shall be 8 feet (2438 mm). The width of canopies shall not exceed 8 feet (2438 mm).

**3105.7 Lettering on awnings or canopies.** Lettering on awnings or canopies shall comply with [the Sign Regulation Emergency Amendment Act of 2012 and any sign regulations promulgated in connection therewith].

## **3106 MARQUEES**

Strike Section 3106.1 of the International Building Code in its entirety and new section 3106.1 in the Building Code to read as follows:

### **3106.1 General.**

Marquees shall comply with Sections ~~3106.2~~ 3106.3 through 3106.5 and other applicable sections of this code.

Strike Section 3106.2 of the International Building Code without replacement.

### **3106.2 Thickness.**

~~The height or thickness of a marquee measured vertically from its lowest to its highest point shall be not greater than 3 feet (914 mm) where the marquee projects more than two-thirds of the distance from the lot line to the curb line, and shall be not greater than 9 feet (2743 mm) where the marquee is less than two-thirds of the distance from the lot line to the curb line.~~

## **3107 SIGNS**

Strike Section 3107.1 of the International Building Code in its entirety and insert new Section 3107.1 to the Building Code to read as follows:

**3107.1 General.** Exterior signs shall be designed, constructed and maintained in accordance with this code. the [Sign Regulation Emergency Amendment Act of 2012 and any sign regulations promulgated in connection therewith].



Strike Section 3109, Swimming Pool Enclosures and Safety Devices, in the International Building Code in its entirety and insert new Section 3109 in the Building Code to read as follows:

## **3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES**

**3109.1 General.** Swimming pool enclosures and safety devices shall comply with the requirements set forth in the *Swimming Pool and Spa Code*.

Insert new Section 3112 to the Building Code to read as follows:

## **3112 FENCES**

**3112.1 General.** Fences shall comply with the requirements of this Section, other applicable sections of the *Construction Codes* and other municipal regulations. This Section applies to fences back of the building line. All barbed wire and similar fences shall comply with the requirements of Sections 3112.4 and 3112.4.1. Fences on privately owned land beyond a building restriction line shall comply with the requirements for fences on public property and permits for such fences shall be obtained from the *code official*.

**3112.1.1 Fence walls.** Fence walls shall conform to the requirements for fences.

**3112.1.2 Screens or trellises.** Screens or trellises shall conform to the requirements for fences.

**3112.1.3 Height measurement.** The measurement of the height of a fence shall be made from the top of the fence to grade, on the side of the fence where grade level is higher.

**3112.1.4 Permit applications.** Application for permits to erect or increase the height of a fence, or change the grade adjacent to a fence, shall be accompanied by an official building plat upon which the proposed fence location is indicated. Review and approval by the Zoning Administrator shall be required before a permit shall be issued.

**Exception.** Review or approval by the Zoning Administrator shall not be required where (a) an existing lawful fence is replaced, (b) the extent, location, and the height of the fence is unchanged, and (c) the adjacent grade is unchanged.

**3112.2 Party fences.** Only those portions of the length of a fence, including footings, which are partly on each side of a party line shall be considered as party fences. Permit applications for party fences shall be signed by the owners of the properties on which the fence is to be located.

**3112.2.1 Fence materials.** A party fence shall be a wood, woven wire, or iron fence of open pattern unless otherwise agreed upon by the adjoining owners.



**3112.2.2 Height agreements.** Where owners propose to erect a party fence over 7 feet (2134 mm) in height in Residential Districts or 10 feet (3048 mm) in S-P, C, C-M, or M Districts, written agreement to the height by the *owners* of the properties on which the fence is to be located shall be filed with the *code official* before issuance of a permit.

**3112.3 Other fences.** Fences other than party fences shall comply with Sections 3112.3.1 through 3112.3.5.

**3112.3.1 Fences abutting streets.** Fences abutting a street shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in height in S-P, C, C-M, or M Districts.

**3112.3.2 Fences abutting alleys.** Fences abutting alleys shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts.

**Exception:** The *code official* is authorized to approve a greater height where the alley is 15 feet (4572 mm) wide or more.

**3112.3.3 Fences near party lines.** Fences within a strip 10 feet (3048 mm) wide and parallel to the party line shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts. Fences shall not obstruct light or ventilation for any required window.

**Exception:** Where the written consent of the adjoining owners is filed with the *code official*, the *code official* is authorized to approve a greater height, not to exceed 10 feet (3048 mm).

**3112.3.4 Fences distant from party line.** Fences more than 10 feet (3048 mm) from a party line, alley, building or building restriction line shall not be limited as to height, provided such fences do not encroach on a required yard or court, nor obstruct the light or ventilation for any required window.

**3112.3.5 Gate height.** Gates shall not exceed the height of the fence.

**3112.4 Barbed wire and similar fences.** No barbed wire or similar fence, barrier, or obstruction, made thus in whole or in part, shall be erected, constructed, or maintained, along the building restriction line, or in or upon any street, alley, road, or other public walk, driveway, or public or private parking in the District of Columbia.

**3112.4.1 Barbed wire and similar fence on private property.** A barbed wire or similar fence, barrier or obstruction may be erected wholly on private property when located in back of the lot line or building restriction line if one exists. The minimum height of the lowest strand of barbed wire shall be 6 feet (1829 mm) above adjacent ground and the wire shall not project beyond the lot line or building restriction line.

